

SENATE BILL 3648

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 3, Part 4; Title 13, Chapter 4, Part 3; Title 13, Chapter 7, Part 2 and Title 13, Chapter 7, Part 1, relative to the vesting of private property development rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following language as a new section:

13-7-120.

Development regulations, including zoning, planning and storm water management regulations, which are in effect on the date of submission of an application for development, including but not limited to applications for building permits, zoning approvals and applications to zoning boards or planning commissions, shall govern the review of that development and any decision made with regard to that development. Any ordinance or other regulation pending or adopted after the date of submission of an application for development, regardless of when the ordinance or other regulation was first considered by the local legislative body or other board, shall not be applicable to the development unless the new ordinance or regulation directly addresses a serious life threatening safety hazard.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following language as a new section:

13-7-213.

Development regulations, including zoning, planning and storm water management regulations, which are in effect on the date of submission of an application for development, including but not limited to applications for building permits, zoning

approvals and applications to zoning boards or planning commissions, shall govern the review of that development and any decision made with regard to that development.

Any ordinance or other regulation pending or adopted after the date of submission of an application for development, regardless of when the ordinance or other regulation was first considered by the local legislative body or other board, shall not be applicable to the development unless the new ordinance or regulation directly addresses a serious life threatening safety hazard.

SECTION 3. Tennessee Code Annotated, Section 13-3-413, is amended by designating the existing language as subsection (a) and adding the following as new subsections thereto:

(b) The issuance of preliminary approval for a subdivision, planned development, site plan, or specific plan zoning approval will remain effective for five (5) years after the date of approval. If application for final approval is made within that time frame, the terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to, zoning, planning and storm water requirements, layout, design and construction standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements. Extensions may be granted by the local board or commission.

(c) In the case of phased projects, including subdivision plats, planned developments, site plans, specific plan zoning approvals, or other types of projects planned for development and construction in two (2) or more sections or phases, preliminary approval of the first section of the project will remain effective for five (5) years from the date of approval. Thereafter, so long as preliminary approval of the next section or phase of development is applied for no more than five (5) years after substantial completion of the last structure in the most recently completed section or phase of the development, the terms and conditions on which preliminary approval of the first section was granted shall not be changed as to each succeeding section or phase, including but not limited to, zoning, planning and storm water requirements, layout,

design and construction standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements.

SECTION 4. Tennessee Code Annotated, Section 13-4-310, is amended by designating the existing language as subsection (a) and adding the following as new subsections thereto:

(b) The issuance of preliminary approval for a subdivision, planned development, site plan, or specific plan zoning approval will remain effective for five (5) years after the date of approval. If application for final approval is made within that time frame, the terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to, zoning, planning and storm water requirements, layout, design and construction standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements. Extensions may be granted by the local board or commission.

(c) In the case of phased projects, including subdivision plats, planned developments, site plans, specific plan zoning approvals, or other types of projects planned for development and construction in two (2) or more sections or phases, preliminary approval of the first section of the project will remain effective for five (5) years from the date of approval. Thereafter, so long as preliminary approval of the next section or phase of development is applied for no more than five (5) years after substantial completion of the last structure in the most recently completed section or phase of the development, the terms and conditions on which preliminary approval of the first section was granted shall not be changed as to each succeeding section or phase, including but not limited to, zoning, planning and storm water requirements, layout, design and construction standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it ,and shall apply to all petitions for land use review filed on or after the effective date of this act.